

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1-10 are currently being prosecuted. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks as set forth below.

Allowable Subject Matter

It is gratefully acknowledged that the Examiner considers the subject matter of claims 2, 3 and 7-10, as being allowable if rewritten in independent form. Since Applicants believe that claim 1 is also allowable, Applicants have not yet rewritten these claims in independent form.

Furthermore, it is noted that the Examiner has indicated that these claims are objected to in the detailed action in paragraph 1 on page 2 of the Office Action. However, the Office Action summary indicates that all of the claims are rejected in line 6. Applicants believe that these claims are indeed objected to and the present response is based on this understanding.

Also, it is noted that claim 5 has not been included in the objected to claims. Claim 5 depends from claim 3 which was objected to and accordingly should also be in this category.

Claim for Priority

It is gratefully acknowledged that the Examiner has recognized Applicant's claim for foreign priority and the receipt of the certified copies. In view of the fact that Applicant's claim for foreign priority has been perfected, no additional action is required from Applicants at this time.

Drawings

The official draftsperson has not approved of the formal drawings submitted by Applicants. It is respectfully submitted that the drawings comply with the requirements of the U.S. Patent and Trademark Office. If the official draftsperson has any objections to the formal drawings, he is respectfully requested to contact the undersigned as soon as possible so that appropriate action may be taken. No further action is believed to be necessary at this time unless the undersigned receives a notice from the official draftsperson.

Claim Rejections under 35 U.S.C. §102

Claims 1, 4, 5 and 6 stand rejected under 35 U.S.C. §102 as being anticipated by Fujiuchi et al. (U.S. Patent 5,844,484). This rejection is respectfully traversed.

In regard to claim 1, the Examiner states that the reference shows a theft preventive apparatus with an alarm

output having a housing, a piezoelectric buzzer, a battery, and terminals. However, Applicant submits that the present claimed invention is not anticipated by this reference.

Claim 1 describes a sound generator having a combination of elements, including a case, a sound generating device mounted in the case, a battery mounted on an outside of the case so as to be exposed, terminals provided on the case and a pair of leads connecting a pair of electrodes to the battery with the terminals. Applicant submits that the Fujiuchi et al. reference does not teach this combination of elements. In particular, the reference does not show a battery mounted on an outside of the case so as to be exposed.

The Fujiuchi et al. device includes a battery V and a buzzer 21, with the battery mounted in the lower case 2a and the buzzer enclosed in housing 32 which is mounted in the upper case 2b. The bottom case and top case are secured by ultrasonic welding. Thus the battery is sealed in the case 2.

The present claimed invention states that the battery is mounted on an outside of the case so as to be exposed. This feature is clearly not seen in the reference. Further, this feature would not be obvious over the reference. The reference device is a theft preventive apparatus. If the battery were on the outside of the case where it is exposed and removable, it would be easy for the battery to be removed and thus disable the

theft preventive apparatus. Finally, this mounting of the battery would not be obvious over this reference. By having the battery in this position, it allows the housing to be made smaller and the battery is more easily accessible for charging. This arrangement provides four results which are not possible with the reference.

Prosecution History Estoppel

Claim 1 has been amended to clarify the claimed subject matter. No prosecution history estoppel would be applied to the interpretation of the limitations set forth in claim 1 and the claims that depend therefrom in view of the fact that this subject matter has been continuously presented since the original filing date of the present application.

Conclusion

In view of the above remarks, it is believed that the claims clearly distinguish over the patent cited by the Examiner. In view of this, reconsideration of the rejection and allowance of all of the claims are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse (Reg. No. 27,295) at the telephone number of the undersigned below, to conduct an interview

in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment(s)

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